

House Study Bill 254

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON OLSON)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of junkyards.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 2653HC 83
4 tm/nh/5

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1 1 Section 1. Section 455D.1, Code 2009, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 4A. "Junk" means used or scrap rope,
1 4 rags, batteries, paper, trash, rubber, debris or solid waste,
1 5 discarded appliances, or inoperable machinery; junked,
1 6 dismantled, or wrecked automobiles, or parts thereof; or used
1 7 or scrap iron, steel, copper, brass, or other ferrous or
1 8 nonferrous metal.
1 9 NEW SUBSECTION. 4B. "Junkyard" means an establishment or
1 10 place of business which is maintained, operated, or used
1 11 primarily for storing, keeping, buying, or selling junk.
1 12 Sec. 2. NEW SECTION. 455D.21A LOCAL ORDINANCE ==
1 13 JUNKYARDS.
1 14 1. A city or county may adopt a local ordinance creating
1 15 licensure requirements for junkyards located in the city or
1 16 county. Such an ordinance must include, at a minimum, all of
1 17 the following:
1 18 a. Environmental and other related requirements for
1 19 licensees including but not limited to the following:
1 20 (1) Building and property maintenance requirements.
1 21 (2) Pest and rodent control requirements.
1 22 (3) Requirements relating to fluid removal from junk
1 23 accepted at the junkyard.
1 24 (4) Requirements relating to the management of lead acid
1 25 batteries.
1 26 (5) Requirements that any junk at least partially covered
1 27 by flood waters must be removed from the junkyard and disposed
1 28 of at a sanitary landfill within thirty days of flood waters
1 29 receding from the junkyard.
1 30 (6) Storage requirements for automobiles and automobile
1 31 parts.
1 32 (7) Restrictions on the storage, placement, and number of
1 33 waste tires. A junkyard shall not store more than one
1 34 thousand waste tires at one time.
1 35 (8) Requirements for the proper recycling of universal
2 1 waste.
2 2 b. Notice that the licensing entity may conduct an audit
2 3 of the licensed facility at any time without notice.
2 4 c. A statement identifying license fees.
2 5 d. License renewal requirements.
2 6 2. A city or county may impose a license fee for purposes
2 7 of administering a licensure program for junkyards.
2 8 3. A city or county may conduct an audit of a licensed
2 9 facility at any time during a licensure period without notice
2 10 to the licensee for purposes of ensuring compliance with the
2 11 terms of the license.
2 12 4. Criteria and requirements included in an ordinance
2 13 adopted pursuant to this section, and in a license issued
2 14 under the ordinance, may be more restrictive than prescribed
2 15 by this chapter and chapter 455B and the rules adopted
2 16 pursuant to those chapters.
2 17 5. A city or county may revoke or temporarily suspend a
2 18 license at any time provided that the grounds for doing so are
2 19 provided for in the ordinance.

2 20 6. A city or county may restrict a person from locating a
2 21 junkyard in a floodplain. This subsection does not apply to
2 22 junkyards in existence on July 1, 2009.

2 23 7. The department shall, in collaboration with cities,
2 24 counties, and other stakeholders, develop model audits, model
2 25 ordinances, and model licenses for use by cities and counties
2 26 under this section.

2 27 EXPLANATION

2 28 This bill relates to the regulation of junkyards.

2 29 The bill allows a city or county to adopt a local ordinance
2 30 creating licensure requirements for junkyards located in the
2 31 city or county. The bill provides that an ordinance must
2 32 include, at a minimum, certain environmental and other related
2 33 requirements, notice that the licensing entity may conduct an
2 34 audit of the licensed facility at any time without notice, a
2 35 statement identifying license fees, and license renewal
3 1 requirements.

3 2 The bill provides that a city or county may impose a
3 3 license fee for purposes of administering a licensure program
3 4 for junkyards. The bill provides that criteria and
3 5 requirements included in an ordinance and in a license may be
3 6 more restrictive than prescribed in Code chapter 455D and Code
3 7 chapter 455B and the rules adopted pursuant to those Code
3 8 chapters. The bill allows a city or county to revoke or
3 9 temporarily suspend a license at any time provided that the
3 10 grounds for doing so are provided for in the ordinance.

3 11 The bill allows a city or county to restrict a person from
3 12 locating a junkyard in a floodplain. A city or county shall
3 13 not make such restrictions for junkyards in existence on July
3 14 1, 2009.

3 15 The bill requires the department of natural resources, in
3 16 collaboration with cities, counties, and other stakeholders,
3 17 to develop and make available model audits, model ordinances,
3 18 and model licenses.

3 19 LSB 2653HC 83

3 20 tm/nh/5